

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

BRAZZIE BRYANT,

Plaintiff,

v.

CIVIL ACTION NO. 2:18-cv-01233

PAROLE OFFICE OF KANAWHA COUNTY,

Defendant.

**ORDER**

Pending before the Court is Plaintiff's Complaint under 42 U.S.C. § 1983, (ECF No. 2), and Application to Proceed Without Prepayment of Fees and Costs, (ECF No. 1). By Standing Order entered on January 4, 2016, and filed in this case on August 16, 2018, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF No. 3.) Magistrate Judge Tinsley filed his PF&R on November 27, 2019, recommending that this Court dismiss Plaintiff's Complaint for failure to state a claim upon which relief can be granted and deny Plaintiff's Application to Proceed Without Prepayment of Fees and Costs. (ECF No. 8.)

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.

1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on December 16, 2019. (ECF No. 6.) To date, Plaintiff has failed to submit any objections in response to the PF&R, thus constituting a waiver of *de novo* review and Plaintiff’s right to appeal this Court’s order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 8), **DISMISSES** Plaintiff’s Complaint for failure to state a claim upon which relief can be granted, (ECF No. 2), and **DISMISSES** this civil action pursuant to 28 U.S.C. § 1915(e)(2)(B) and 1915A. The Court further **DENIES** Plaintiff’s Application to Proceed without Prepayment of Fees and Costs. The Clerk is **DIRECTED** to remove this action from the docket of the Court.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: December 19, 2019

  
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THOMAS E. JOHNSTON, CHIEF JUDGE